

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)	
)	Case No. <u>3:24-cr-00056</u>
v.)	
)	JUDGE TRAUGER
KORBEIN SCHULTZ)	

GOVERNMENT’S RESPONSE TO DEFENDANT’S SENTENCING MEMORANDUM

To assist the Court in analyzing sentences imposed by other courts for similar criminal conduct, the Government submits the following table that highlights some of the relevant similarities and differences in the other counterintelligence and espionage cases cited in the parties’ sentencing memoranda:

Case (District) – Sentence	Relevant Facts
<i>U.S. v. Thompson</i> (D.D.C.) – 276 months	18 U.S.C. § 794(a) conviction via plea – DoD linguist passed national defense information about human sources, classified up to the SECRET level, to foreign terrorist organization Hizballah.
<i>U.S. v. Dalke</i> (D. Colo.) – 262 months	18 U.S.C. § 794(a) conviction via plea – NSA employee attempted to pass national defense information, classified up to the TOP SECRET/SCI level, to undercover FBI agent he believed was a Russian government agent.
<i>U.S. v. Mallory</i> (E.D. Va.) – 240 months	18 U.S.C. §§ 794(a) & (c) convictions via trial – former CIA employee conspired and transmitted national defense information about human sources, classified up to the TOP SECRET level, to the Chinese government.
<i>U.S. v. Toebbe</i> (N.D. Wv.) – 232 months	42 U.S.C. § 2274(a) (Atomic Energy Act) conviction via plea – U.S. Navy civilian attempted to pass Restricted Data concerning nuclear technology to undercover FBI agent he believed worked for a foreign government.
<i>U.S. v. Lee</i> (E.D. Va.) – 228 months	18 U.S.C. § 794(c) conviction via plea – former CIA employee conspired to pass national defense information about human sources, classified up to the SECRET level, to the Chinese government.

Case (District) – Sentence	Relevant Facts
<i>U.S. v. Teixeira</i> (D. Mass.) – 180 months	18 U.S.C. § 794(e) conviction via plea – U.S. Air National Guardsman retained and disclosed on public websites hundreds of pages of national defense information, classified up to the TOP SECRET/SCI level.
<i>U.S. v. Awwad</i> (E.D. Va.) – 120 months	18 U.S.C. § 794(a) conviction via plea – U.S. Navy civilian attempted to pass national defense information (specifically, unclassified, but sensitive and closely held, schematics about an aircraft carrier) to an undercover FBI agent he believed was an Egyptian government agent.
<i>U.S. v. Ma</i> (D. Haw.) – 120 months	18 U.S.C. § 794(c) conviction via plea – former CIA employee conspired to pass national defense information, classified up to the SECRET level, to the Chinese government.
<i>U.S. v. Franklin</i> (E.D. Va.) – 120 months	18 U.S.C. § 793(g) conviction via plea – DoD analyst conspired to pass national defense information about U.S. military operations in Iraq, classified up to the TOP SECRET level, to an Israeli diplomat, employees of an Israeli lobbying firm, and a reporter.
<i>U.S. v. McLean</i> (M.D. Fla.) – 120 months	18 U.S.C. § 793(e) conviction via plea – U.S. Navy officer stored over 100 documents relating to the national defense, classified up to the SECRET level, at his home.
<i>U.S. v. Kingsbury</i> (W.D. Mo.) – 46 months	18 U.S.C. § 793(e) conviction via plea – FBI analyst stored hundreds of documents relating to the national defense, classified up to the SECRET level, at her home.
<i>U.S. v. Claiborne</i> (D.D.C.) – 40 months	18 U.S.C. § 371 (defraud government) conviction via plea – U.S. State Department employee hid from State Department thousands of dollars in gifts from agents of Chinese government and failed to report unofficial contact with foreign nationals as required.
<i>U.S. v. Birchum</i> (M.D. Fla.) – 36 months	18 U.S.C. § 793(e) conviction via plea – U.S. Air Force officer stored over 100 documents relating to the national defense, classified up to the TOP SECRET/SCI level, at his home.
<i>U.S. v. Zhao</i> (C.D. Cal.) – 27 months	18 U.S.C. § 201 conviction via plea – U.S. Navy sailor passed unclassified, but sensitive, documents to agent of Chinese government who he believed was private maritime researcher in exchange for money.

Case (District) – Sentence	Relevant Facts
<i>U.S. v. Saucier</i> (D. Conn.) – 12 months	18 U.S.C. § 793(e) conviction via plea – U.S. Navy sailor took photographs on his personal phone of classified spaces on a nuclear submarine, classified up to the CONFIDENTIAL level.
<i>U.S. v. Petraeus</i> (W.D.N.C.) – probation	18 U.S.C. § 1924 conviction via plea – U.S. Army officer and former CIA director provided his biographer (also mistress and TS/SCI clearance holder) with notebooks that contained national defense information, classified up to the TOP SECRET/SCI level. (At the time of conviction, Section 1924 was a misdemeanor.)

Respectfully submitted,

ROBERT E. MCGUIRE
Acting United States Attorney
Middle District of Tennessee

/s/ Joshua A. Kurtzman

JOSHUA A. KURTZMAN
Assistant United States Attorney
719 Church Street, Suite 3300
Nashville, Tennessee 37203
Phone: (615) 736-5151

/s/ Adam P. Barry

ADAM P. BARRY
CHRISTOPHER COOK
Trial Attorneys
National Security Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Phone: (202) 233-0788

CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2025, I electronically served one copy of the Government's Response to Defendant's Sentencing Memorandum with the Clerk of the Court by using the CM/ECF system, which will send a Notice of Electronic Filing to defendants' counsel in this case

/s/ Joshua A. Kurtzman
JOSHUA A. KURTZMAN
Assistant United States Attorney